IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GHULAM MOHAMMED

WRIT PETITION NO : 16565 of 1994

Between:

Bariki Hussaianaiah son of B. Lakshmanna
R/o. Kummari Street, Yemmiganur, Kurnool District.

..... PETITIONER

AND

1. The District Collector, Kurnool
2. The District Selection Committee,

Zilla Praja Parishad, Kurnool, rep. by

its Zilla Praja Parishad Secretary.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ or order or direction particularly one in the nature of Mandamus directing the 1st respondent hereinto issue Caste Certificate of Scheduled Caste to the petitioner herein starting that he belongs to Bariki Caste, a Scheduled Caste without insisting upon him suffering from untouchability as per the questionnaire for issuing the Scheduled Caste Certificate by declaring the action of the 1st respondent herein in insisting upon the compliance with the questionnaire etc., as illegal, improper and unenforceable being discriminatory and to pass such other or further orders.

Counsel for the Petitioner:SMT.K.SESHARAJYAM

Counsel for the Respondent No.1: GP FOR SOCIAL WELFARE

The Court made the following :

ORDER

This Writ Petition is filed seeking writ of Mandamus directing the first respondent to issue Caste certificate of the petitioner.

The case of the petitioner is that he belong to Bariki caste which is a Schedule caste and he availed all benefits under Schedule caste during his entire study period. In the year 1990 he was selected for the post of School Assistant in Mathematics but his case was not considered as the caste certificate produced by him is beyond six months and therefore he lost the opportunity of getting a job. It was further stated that the then Chairman of Zilla Parishad, Kurnool represented to the District Collector,Kurnool that all Bariki community people do not belong to Schedule Caste and as such he did not get the caste certificate from the first respondent. It was also informed that unless the petitioner comply the questionnaire, the caste certificate will not be given. The authorities are trying to exclude the Bariki community by asking him to comply the questionnaire. Now he qualified for the post of SGBT Teacher in Kurnool district and if he does not produce the caste certificate, his case will not be considered. Hence the petition.

The case of the respondents is that the petitioner obtained Bariki caste certificate from Tahsildar, Yemmiganur on 27-7-1984. But lateron the Government in G.O.Ms.No.204, SW (J) Dept., dated 23-9-1985 ordered that the Revenue Divisional Officer concerned should alone give the Bariki caste certificate. But later on, on direction of the Supreme Court the Government in the Memo 27/J1/87-88 dated 23-2-1988 has directed the Collectors to continue to issue Bariki caste certificate until further orders. The petitioner did not take certificate from the Collector who is the competent authority to issue the certificate. The petitioner never applied from1984 for issuance of caste certificate to the District Collector. The District Employment Officer in his letter stated that the petitioner has applied for the post of B.Ed., Assistant and the petitioner has produced Bariki caste certificate issued by the Tahsildar and requested to enquire into the matter. The caste certificate issued by the Tahsildar is not valid as the Collector is the competent authority to issue such certificates. The enquiry committees also came to conclusion after thorough enquiry that the petitioner does not come under Bariki caste. Therefore, it sought for dismissal of the petition.

As seen from the record, it is evident that the petitioner was issued

Bariki caste certificate by the Tahsildar, Yemmiganur and he availed all the benefits during his entire study period. But in view of the direction of the Supreme Court, the District Collectors are competent to issue Bariki Certificates. Since the petitioner did not apply for issuance of Bariki caste certificate to the District Collector, who is the competent authority to issue such certificates and that the enquiry committee for SGBT Teachers in Kurnool district also made a thorough enquiry and came to a conclusion that the petitioner does not belong to Bariki Caste. In the circumstances, I do not see any ground to entertain the writ petition exercising the jurisdiction under Article 226 of the Constitution of India. The Writ Petition is meritless and is accordingly dismissed. No costs.

16-09-2004.

Hsd/Nrg

. Assistant Registrar

// true copy//

Section Officer

To

1.The District Collector, Kurnool

2. The District Selection Committee,

Zilla Praja Parishad, Kurnool, rep. by

its Zilla Praja Parishad Secretary.

3.2 C.Cs to G.P. for Social Welfare, High Court Buildings, Hyderabad (OUT)

4.2 C.D. copies.